

Roger R. Myers (CA Bar No. 146164)
roger.myers@hro.com
Adam Brezine (CA Bar No. 220852)
adam.brezine@hro.com
HOLME ROBERTS & OWEN LLP
560 Mission St., 25th Floor
San Francisco, CA 94105
415-268-2000
415-268-1999 (fax)

Attorneys for Defendant
VITAMIN SHOPPE INDUSTRIES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

GRADY JACKSON and KELLEY
ALEXANDER, in their representative capacity
pursuant to Cal. Bus. & Prof. Code §§17203,
17535 and Cal. Code Civ. Pro. §§ 382, 1021.5,

Plaintiffs,

vs.

BALANCED HEALTH PRODUCTS, INC., a
Delaware Corporation, NIKKI HASKELL, an
individual, GENERAL NUTRITION
CORPORATION, a Pennsylvania Corporation,
GENERAL NUTRITION CENTERS, INC., a
Pennsylvania Corporation; and VITAMIN
SHOPPE INDUSTRIES, Inc. a New York
Corporation, inclusive,

Defendants.

Case No. C 08-05584-CW

**STIPULATION SETTING DATE FOR
RESPONSE TO AMENDED
COMPLAINT AND CONTINUING
CASE MANAGEMENT CONFERENCE
TO ACCOMMODATE EARLY
MEDIATION; ORDER**

WHEREAS:

A. The parties have agreed to participate in an early mediation before Magistrate Judge Spero on April 1, 2009 (and possibly April 2, 2009, if necessary), and this Court approved the parties' stipulation on March 9, 2009; and

B. Plaintiffs filed an Amended Complaint on March 2, 2009; and

C. The initial Case Management Conference in this case is currently set for March 24, 2009, before the scheduled mediation.

It is HEREBY STIPULATED AND AGREED by and between Plaintiffs Grady Jackson and Kelley Alexander ("Plaintiffs") and Defendants Balanced Health Products, Inc., Nikki Haskell, General Nutrition Corporation, General Nutrition Centers, Inc., and The Vitamin Shoppe Industries, Inc. (collectively, "Defendants"), through their respective counsel, as follows:

1. The deadline for Defendants to answer or otherwise respond to Plaintiffs' Amended Complaint shall be Monday, March 23, 2009.

2. The initial Case Management Conference in this case is continued to Tuesday, April 28, 2009, at 2:00 p.m., and all related deadlines are continued accordingly.

Dated: March 9, 2009

PINNACLE LAW GROUP, LLP

HOLME, ROBERTS & OWEN LLP

By: /s/ Eric Farber
Eric J. Farber
Attorneys for Plaintiffs
GRADY JACKSON and KELLY
ALEXANDER

By: /s/ Adam Brezine
Roger R. Myers
Adam Brezine
Attorneys for Defendant
VITAMIN SHOPPE INDUSTRIES, INC.

Special Appearance:

MCGUIRE WOODS LLP

By: /s/ David Gernsbacher
David Gernsbacher (Application for
Admission Pending)
Specially Appearing for Defendants
BALANCED HEALTH PRODUCTS, INC.
and NIKKI HASKELL

By: /s/ Sidney Kanazawa
Sidney K. Kanazawa
Attorneys for Defendants
GENERAL NUTRITION
CORPORATION and GENERAL
NUTRITION CENTERS, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED:



United States District Judge

3/10/09

Dated: _____

ATTESTATION OF CONCURRENCE IN FILING

Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), Adam Brezine hereby attests that concurrence in the filing of this stipulation and proposed order has been obtained from Counsel for the non-filing parties.

HOLME ROBERTS & OWEN LLP

By: /s/ Adam Brezine

Adam Brezine

Attorneys for Vitamin Shoppe Industries, Inc.